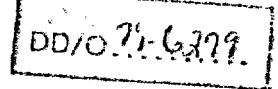
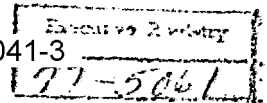




Office of the Attorney General

Washington, D. C. 20530



7 JUL 1977

MEMORANDUM TO: The Secretary of State
The Secretary of Defense
The Director of Central Intelligence
The Assistant to the President for
National Security Affairs

FROM: The Attorney General

Attached are draft guidelines governing dissemination by the Federal Bureau of Investigation of information obtained through the use of electronic surveillance. Since these guidelines will affect the flow of information from the FBI to agencies in the intelligence community, I am anxious to have your comments on these guidelines before putting them into effect. Please direct your comments to Assistant Attorney General John Harmon in the Office of Legal Counsel of the Department of Justice. I would appreciate receiving all comments by July 31.

William B. Bryant

FBI Review Completed

DOJ Review
Completed.

~~Secret~~ MATERIAL ATTACHED.
WHEN SEPARATED FROM CLASSIFIED
ATTACHMENT, THIS DOCUMENT IS
UNCLASSIFIED.

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DISSEMINATION OF INFORMATION OBTAINED
BY EXTRAORDINARY TECHNIQUES

Within the limits authorized by statutes, Executive Orders, directives and other guidelines, these guidelines regulate the dissemination of information obtained by the FBI through the use of Extraordinary Techniques. The purpose is to prevent unnecessary dissemination of such information, particularly where it identifies or permits identification of "United States persons" as that term is defined in Executive Order 11905.*

A given item of information may serve a variety of legitimate governmental needs, regardless of the original purpose of its acquisition. In these guidelines information is characterized by the interest of the receiving agency. In order to insure effective implementation of these guidelines, the FBI should ascertain the needs of agencies receiving foreign intelligence or counterintelligence information on a regular basis from the FBI and should disseminate only that information which appears relevant to the official responsibilities of the agency receiving it. The receiving agencies should be instructed that no dissemination is to be made outside that agency without the consent of the FBI.

These guidelines do not restrict dissemination of information by the FBI, including identifying information, when necessary to the conduct of investigations within its jurisdiction.

I. DISSEMINATION OF INFORMATION FOR FOREIGN INTELLIGENCE PURPOSES

Information disseminated to other Federal agencies for foreign intelligence purposes, which was gathered at Bureau initiative, shall not identify or permit identification of United States persons, except by general characterization, unless the identification is essential to understand the information or to assess its importance.

*A "United States person" is defined in Executive Order 11905 as including a United States citizen, aliens admitted into the United States for permanent residence and corporations or other organizations incorporated in the United States. 25X1

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may be disseminated to that agency in a form which identifies or permits identification if that agency requests such identification in writing, setting forth the basis for such request.

Any request by a receiving or initiating agency for identifying information shall be referred to the Director or his designee for a determination whether the identification is warranted.

II. DISSEMINATION OF COUNTERINTELLIGENCE INFORMATION

Information disseminated to other Federal agencies in the intelligence community which have a direct counterintelligence interest in the information* may identify or permit identification of United States persons. Where the information is of interest to, but does not relate to the direct responsibilities of the receiving agency, United States persons may not be identified.

Any subsequent request by the receiving agency for identification of United States persons, generally characterized in the initial dissemination, shall be referred to the Director of the FBI or his designee for a determination whether the identification is warranted.

III. DISSEMINATION OF INFORMATION CONCERNING SOURCES OR CONTACTS

On specific request by name from other agencies in the intelligence community, the FBI may disseminate information concerning the suitability or credibility of sources or contacts of the requesting agency or persons who the requesting agency reasonably believes are potential sources or contacts.

IV. DISSEMINATION OF INFORMATION RELATING TO CRIMINAL ACTIVITY

The dissemination of information relating to criminal activity which is acquired by Extraordinary Techniques during counterintelligence investigations or the collection of foreign intelligence information is subject to the following conditions:

*There are five principal entities in the United States Government engaging in foreign counterintelligence activities: FBI, CIA, the U. S. Army Intelligence Agency, Naval Investigative Service, and the Air Force Office of Special Investigations. Since the National Security Counsel is responsible for the development and formulation of national intelligence activities pursuant to Executive Order 11905, Section 3(a), it is also a recipient for purposes of these guidelines.

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- A. information pertaining to uncompleted criminal activity threatening endangerment to human life may be disseminated to Federal, state or local agencies having investigative jurisdiction thereof;
- B. information pertaining to completed criminal activity may be disseminated to Federal, state or local agencies having investigative jurisdiction thereof with the concurrence of the Department of Justice, taking into account the following factors:
 - (a) the seriousness of the crime,
 - (b) the risk of compromising the source or the investigation, and
 - (c) whether the information is necessary to successful detection and prosecution.
- C. information disseminated under this part may identify United States persons involved in the criminal conduct or those who are victims of potential victims of such conduct;
- D. any such dissemination of information shall include a notice to the recipient that the information being furnished should not be used for evidentiary purposes without the express written approval of the Department of Justice, after consultation with the FBI.

V. DISSEMINATION OF INFORMATION CONCERNING TRUSTWORTHINESS
FEDERAL EMPLOYEES AND PERSONS GRANTED ACCESS TO CLASSIFIED
INFORMATION

Information which raises a question about the trustworthiness of a federal employee, a person holding a security clearance or granted access to classified information may be disseminated to the Government employer, the agency granting the clearance, or another Federal agency having responsibility to investigate the trustworthiness of the individual. The information disseminated may identify the individual.

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Information which raises a question about the trustworthiness of individuals who are applicants or prospective Government employees should not be disseminated until the FBI has verified the employer's official interest in the individual concerned.

VI. DISSEMINATION TO CONGRESSIONAL COMMITTEES

Information relating to foreign intelligence, foreign counterintelligence, or criminal conduct may be disseminated upon request to congressional committees having jurisdiction over such matters to the extent authorized by the Attorney General.

The information disseminated shall not identify or permit identification of United States persons, except by general characterization, unless the identification appears essential to understand the information or assess its importance.

Any subsequent request by the receiving committee for identification of United States persons, generally characterized in the initial dissemination, shall be referred to the Attorney General or his designee for a determination whether the identification is warranted.

VII. DISSEMINATION TO FOREIGN GOVERNMENTS

A. Foreign Intelligence.

Dissemination of foreign intelligence information to foreign governments is not within the responsibility of the FBI. Any requests by another Federal agency to the FBI for authority to disseminate foreign intelligence information obtained from the FBI which identifies or permits identification of United States persons, shall be referred to the Attorney General or his designee for a determination whether the dissemination is warranted.

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B. Counterintelligence Information.

Counterintelligence information may be disseminated to foreign intelligence or security agencies when such dissemination is in the interest of the security or foreign policy of the United States. Any dissemination of such information to foreign agencies is subject to the following conditions:

1. When a request is initiated by foreign governments for information on named United States persons, no information concerning such persons shall be disseminated unless there is information of direct interest to the requesting government indicating that such person is or may be engaged in clandestine intelligence activities pursuant to the direction of a foreign power.
2. Information disseminated to foreign governments at FBI initiative shall not identify United States persons, except by general characterization, unless there is information of direct interest to the receiving government indicating that such person is or may be engaged in clandestine intelligence activities pursuant to the direction of a foreign power.
3. Any subsequent request by the foreign agency receiving the information for identification of United States persons, generally characterized in the initial dissemination, shall be referred to the Attorney General or his designee for a determination whether identification is warranted.

C. Criminal Information

Information relating to criminal activity may be disseminated to foreign law enforcement or security agencies having jurisdiction of the offense, subject to the following conditions:

1. information pertaining to uncompleted criminal activity threatening endangerment to human life may be disseminated to the appropriate agency of a foreign government.

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activity may be disseminated to the appropriate agency of a foreign government;

with the concurrence of the Attorney General or his designee, taking into account the following factors:

- (a) obligations imposed on the United States by treaties or other international agreements,
 - (b) the seriousness of the offense,
 - (c) the risk of compromising the source or the investigation,
 - (d) whether dissemination of such information is in the interests of the United States.
3. information disseminated under this part may identify United States persons involved in the criminal conduct or those who are victims or potential victims of such conduct;
 4. any such dissemination of information shall include a notice to the recipient that the information being furnished should not be disclosed publicly or disclosed to another government without the express written approval of the Department of Justice, after consultation with the FBI.

VIII. PROTECTION OF HUMAN LIFE, PROPERTY, AND SENSITIVE INFORMATION

The FBI may disseminate to another Federal agency information relating to activity directed at its personnel, premises or property when the activity may involve injury to persons, substantial damage to premises, property, or material, or the loss or compromise of national security or important foreign policy information. The dissemination of such information may identify United States persons when necessary to protect against such activity.

Nothing in these guidelines shall limit the authority of the FBI to inform individuals whose safety or property is directly threatened by planned force or violence, so that they may take appropriate protective safeguards. In so informing such individuals, no identification of United States persons shall be provided unless identification appears necessary to insure safety.

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IX. EXCEPTIONAL CIRCUMSTANCES

Where there are exceptional circumstances which indicate that dissemination not provided for in these guidelines may be appropriate, the FBI may disseminate such information with the prior approval of the Attorney General, made or confirmed in writing.

CENTRAL INTELLIGENCE AGENCY

EXECUTIVE REGISTRY

77-5061/1

20 July 1977

MEMORANDUM FOR:

Office of Legal Counsel
Department of Justice

SUBJECT : "FBI Draft Guidelines"

Attached per your request of 18 July
is our copy of the "FBI Draft Guidelines"
you sent us on 7 July.

Thank you.

Executive Secretary

Attachment

(EXECUTIVE REGISTRY FILE)

Date: 12 July 1977

TO: Admiral Turner

FROM:

SUBJECT: Meeting with Attorney General

REMARKS:

In connection with your tentative meeting with the Attorney General this afternoon, you may be interested in knowing of the attached memo re dissemination of FBI-collected wire tap and other sensitively-collected material.

While this is being dealt with at the staff level and you will soon have an analysis and proposed response from your General Counsel, it is a topic that might come up in a discussion with the AG either today or later, therefore you may find it helpful to know that it has been received and that a response is in the works.

Essentially, it provides guidelines by which FBI-collected info may be passed to intelligence agencies, foreign intelligence services and to individuals, even with identification of U.S. persons who may be involved, under specified circumstances. There are also provisions for passing info in criminal cases or cases where lives or property may be threatened.

ACTION

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